

**REMARKS**

Applicants submit a Petition and Fee for a One-Month Extension of Time.

An excess claim fee payment letter is submitted herewith for one (1) excess total claim.

Claims 1-30 are all the claims presently pending in the application. Claims 1-3, 5-10, 15 and 28-29 have been amended to more particularly define the invention. Claim 30 has been added to assure Applicant the degree of protection to which his invention entitles him.

It is noted that the claim amendments herein or later are not made to distinguish the invention over the prior art or narrow the claims or for any statutory requirements of patentability. Further, Applicant specifically states that no amendment to any claim herein or later should be construed as a disclaimer of any interest in or right to an equivalent of any element or feature of the amended claim.

With respect to the prior art rejections, claims 1-3, 7, 16-18, 22, and 28-29 stand rejected under 35 U.S.C. §102(b) as being anticipated by Montlick (U.S. Patent No. 5,561,446). Claims 4-6, 8, 19-21, and 23 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Montlick in view of Snell et al. (U.S. Patent No. 5,724,985). Claims 9-10, 12-13, 24-25, and 27 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Montlick in view of "Flatland: New Dimensions in Office Whiteboards" (CHI'99, Proceedings of the SIGCHI Conference on Human Factors in Computing Systems; 1999, pages 346-353), hereinafter Flatland. Claims 11, 14-15, and 26 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Montlick in view of Flatland as applied to claims 9-10, 12-13, 24-25, and 27 above, and further in view of Snell et al.

These rejections are respectfully traversed in the following discussion.

## **I. THE CLAIMED INVENTION**

An exemplary aspect of the invention, as recited in claim 1, is directed to an application method for supporting a medical treatment system. The system includes an input/display device including input means and display means, a storage, a communication device; and a controller. The method includes the input/display device receiving input by handwriting, storing the storage substantially all as medical data, the input means dragging a sheet label displayed at positions on a screen by the display means and moving the sheet label upward, and the input/display device reading data stored in the storage in relation to the sheet label from the storage and displaying the data below the sheet label by classifying the data.

Independent claims 9 and 28 contain similar language and are directed to an application method for supporting a medical treatment system and a medical treatment support system, respectively.

An application method for supporting a medical treatment system and a medical treatment support system including such features is not taught or suggested by the cited references.

## **II. THE PRIOR ART REFERENCES**

### **A. The Montlick Reference**

The Examiner alleges that Montlick teaches the invention of claims 1-3, 7, 16-18, 22, 28 and 29. Applicant submits, however, that there are elements of the claimed invention, which are neither taught nor suggested by Montlick.

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Montlick discloses a method an system for wireless remote information retrieval and pen-based data entry including a central computer system having a relatively large storage capacity and/or access to relatively large storage devices and coupled to a wireless network having a plurality of cells. (See Montlick at Abstract)

However, Montlick does not teach or suggest “*the input means dragging a sheet label displayed at positions on a screen by the display means and moving the sheet label upward, and the input/display device reading data stored in the storage in relation to the sheet label from the storage and displaying the data below the sheet label by classifying the data,*” as recited in claims 1-3, 7, 16-18, 22. Independent claims 9 and 28 contain similar language.

Indeed, the Examiner concedes in item 12 on page 9 of the Office Action that Montlick does not teach or suggest the functions of the application software used on the input devices similar to those specified in the claims.

In fact, the Examiner does not even assert that any of the cited references teach or suggest the feature of the input means dragging a sheet label displayed at positions on a screen by the display means and moving the sheet label upward, and the input/display device reading data stored in the storage in relation to the sheet label from the storage and displaying the data below the sheet label by classifying the data, as recited in the claimed invention.

Therefore, Applicant submits that there are elements of the claimed invention that are not taught or suggest by Montlick. Therefore, the Examiner is respectfully requested to withdraw this rejection.

**B. The Flatland Reference**

The Examiner alleges that Montlick would have been combined with Flatland to form the invention defined in claims 9-10, 12-13, 24-25 and 27. However, Applicant submits that these references would not have been combined and even if combined, the combination would not teach or suggest each and every element of the claimed invention.

Flatland discloses an augmented whiteboard interface designed for informal office work. (See Flatland at Abstract)

Applicant respectfully submits that these references would not have been combined as alleged by the Examiner. Indeed, these references are completely unrelated, and no person of ordinary skill in the art would have considered combining these disparate references, absent impermissible hindsight.

In fact, Applicant submits that the Examiner can point to no motivation or suggestion in the references to urge the combination as alleged by the Examiner. Indeed, contrary to the Examiner's allegations, neither of these references teaches or suggests their combination.

Therefore, Applicant respectfully submits that one of ordinary skill in the art would not have been so motivated to combine the references as alleged by the Examiner. Therefore, the Examiner has failed to make a prima facie case of obviousness.

The Examiner concedes that Montlick does not teach or suggest the functions of the application software used on the input devices similar to those specified in the claims. Rather, the Examiner attempts to rely on Flatland to make up for the deficiencies of Montlick.

As noted above, the Examiner does not even assert that any of the cited references teach or suggest the feature of the input means dragging a sheet label displayed at positions

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on a screen by the display means and moving the sheet label upward, and the input/display device reading data stored in the storage in relation to the sheet label from the storage and displaying the data below the sheet label by classifying the data, as recited in the claimed invention.

Rather, the Examiner merely alleges that, regarding the limitations beginning, “the seventh operation” and “the eighth operation,” Flatland describes a method of resizing objects on the screen when other objects are dragged around. However, Flatland merely discloses to automatically squash segments (i.e. reduce in size) as they bump into the border of the board in order to create more whitespace without obscuring content. (See Flatland at page 4, “Moving Squashing and Flipping”)

Flatland makes no reference or suggestion to the input means dragging a sheet label displayed at positions on a screen by the display means and moving the sheet label upward, and the input/display device reading data stored in the storage in relation to the sheet label from the storage and displaying the data below the sheet label by classifying the data, as in the claimed invention. Clearly, Flatland fails to make up for the deficiencies of Montlick.

In light of the above, neither Montlick, nor Flatland, nor any combination thereof teach or suggest “*the input means dragging a sheet label displayed at positions on a screen by the display means and moving the sheet label upward, and the input/display device reading data stored in the storage in relation to the sheet label from the storage and displaying the data below the sheet label by classifying the data*,” as recited in claims 9-10, 12-13, 24-25 and 27.

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Therefore, Applicant submits that these references would not have been combined and even if combined, the combination would not teach or suggest each and every element of the claimed invention. Therefore, the Examiner is respectfully requested to withdraw this rejection.

### **C. The Snell et al. Reference**

The Examiner alleges that Montlick would have been combined with Snell et al. to form the invention defined in claims 4-6, 8, 19-21 and 23. The Examiner further alleges that the invention of claims 11, 14, 15 and 26 are unpatentable over the combination of Montlick and Flatland in view of Snell et al. However, Applicant submits that these references would not have been combined and even if combined, the combination would not teach or suggest each and every element of the claimed invention.

Snell et al. discloses an apparatus and a method for an improved user interface for communicating with implantable medical devices. (See Snell et al. at Abstract)

Applicant respectfully submits that these references would not have been combined as alleged by the Examiner. Indeed, these references are completely unrelated, and no person of ordinary skill in the art would have considered combining these disparate references, absent impermissible hindsight.

In fact, Applicant submits that the Examiner can point to no motivation or suggestion in the references to urge the combination as alleged by the Examiner. Indeed, contrary to the Examiner's allegations, neither of these references teaches or suggests their combination.

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Therefore, Applicant respectfully submits that one of ordinary skill in the art would not have been so motivated to combine the references as alleged by the Examiner. Therefore, the Examiner has failed to make a prima facie case of obviousness.

The Examiner concedes that neither Montlick nor Flatland teach or suggest using character recognition for processing handwritten data inputted by the input device, as in claims 4-6, 8, 11, 14-15, 19-21, 23 and 26. Rather, the Examiner attempts to rely on Snell et al. to make up for the deficiencies of Montlick and Flatland.

However, Snell et al. fails to make up for the deficiencies of Montlick and Flatland described above directed toward the input means dragging a sheet label displayed at positions on a screen by the display means and moving the sheet label upward, and the input/display device reading data stored in the storage in relation to the sheet label from the storage and displaying the data below the sheet label by classifying the data, as in the claimed invention.

Indeed, neither Montlick, nor Flatland, nor Snell et al., nor any combination thereof, teaches or suggests “*the input means dragging a sheet label displayed at positions on a screen by the display means and moving the sheet label upward, and the input/display device reading data stored in the storage in relation to the sheet label from the storage and displaying the data below the sheet label by classifying the data*,” as recited in claims 4-6, 8, 11, 14-15, 19-21, 23 and 26.

Thus, even assuming arguendo that Snell et al. discloses using character recognition for processing handwritten data inputted by the input device, as alleged by the Examiner, there is no teaching or suggestion in Snell et al. of the input means dragging a sheet label displayed at positions on a screen by the display means and moving the sheet label upward,

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and the input/display device reading data stored in the storage in relation to the sheet label from the storage and displaying the data below the sheet label by classifying the data, as in the claimed invention. Indeed, the cited references do not even recognize the desirability or benefit of providing such a feature. Therefore, Snell et al. clearly does not make up for the deficiencies of Montlick and Flatland.

In light of the above, Applicant submits that these references would not have been combined and even if combined, the combination would not teach or suggest each and every element of the claimed invention. Therefore, the Examiner is respectfully requested to withdraw this rejection.

### **III. FORMAL MATTERS AND CONCLUSION**

Minor errors cited by the Examiner have been corrected in the disclosure.

The Examiner has objected to claims 2, 4-8, 10-14, 16, 20-21 and 23. The claims have been amended to address the Examiner's objections. Namely, the dependencies have been amended to avoid duplicate claims. Applicant respectfully notes that the "with one of claim #" language cited by the Examiner was removed by the Preliminary Amendment filed concurrently with the Application on November 21, 2001.

The Office Action objects to Figures 5 and 13. The attached Drawing Corrections amends Figure 5 to include the Lock button and Figure 13 to label it as prior art, as requested by the Examiner.

In view of the foregoing, Applicant submits that claims 1-30, all the claims presently pending in the application, are patentably distinct over the prior art of record and are



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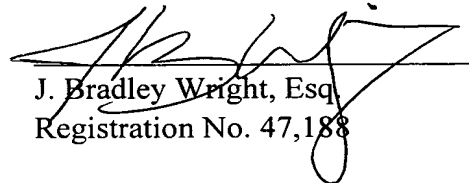
allowable, and that the application is in condition for allowance. Such action would be appreciated.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned attorney at the local telephone number listed below to discuss any other changes deemed necessary for allowance in a telephonic or personal interview.

The Commissioner is authorized to charge any deficiency in fees, including extension of time fees, or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Respectfully Submitted,

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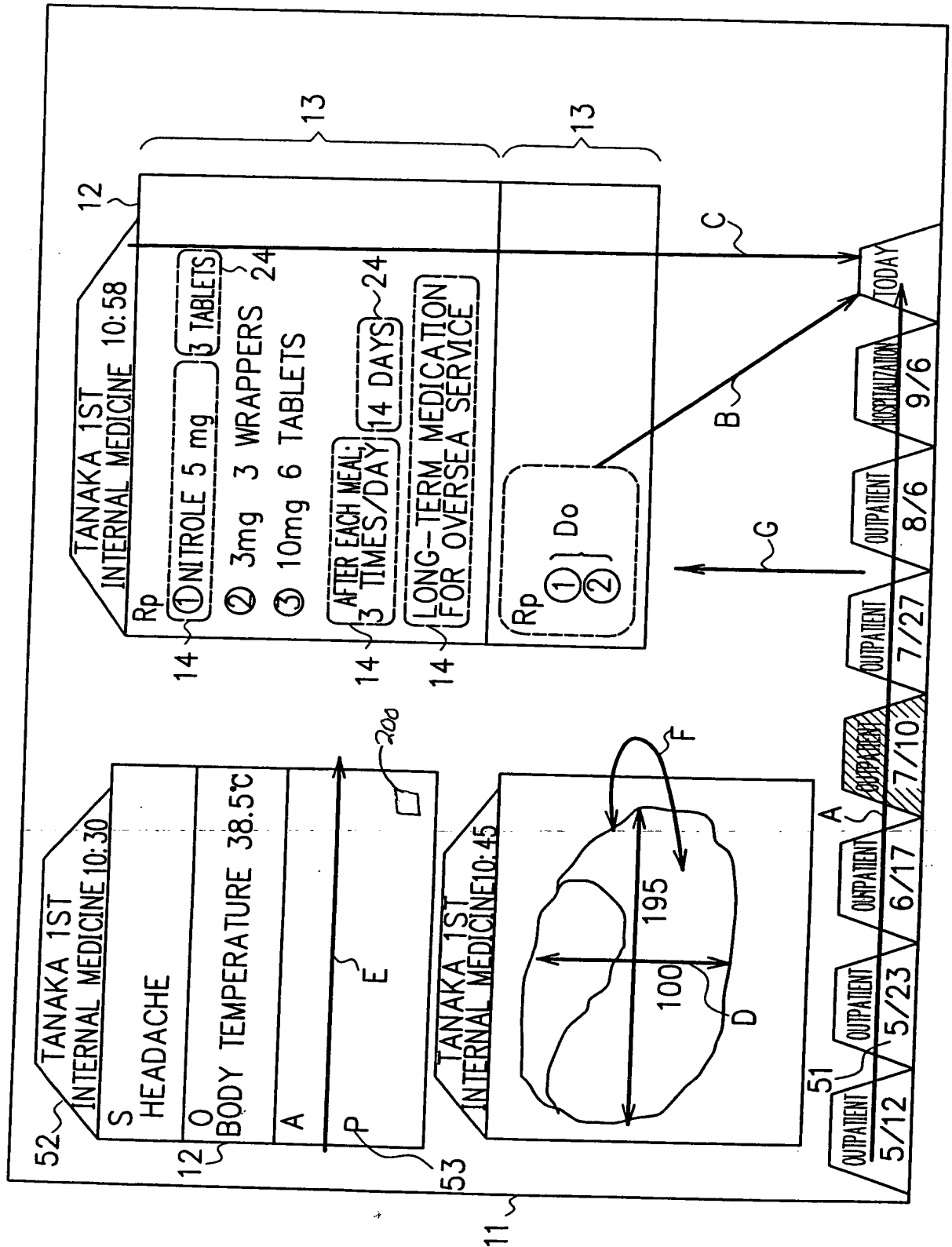
**AMENDMENTS TO THE DRAWINGS:**

The attached annotated sheet of drawings includes changes to Figures 5 and 13.

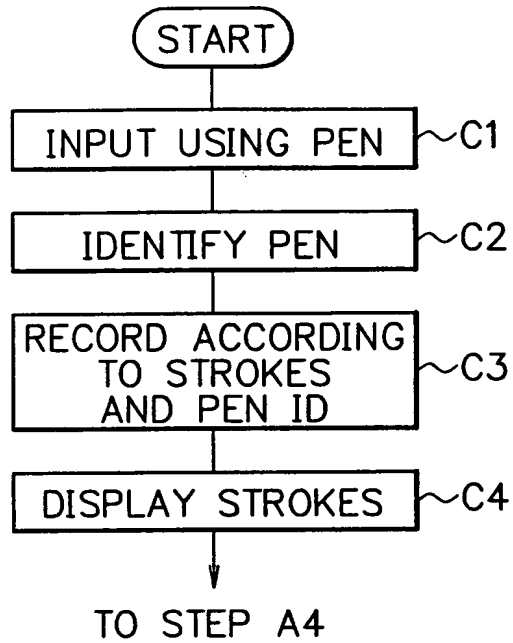
Further, a “replacement” sheet incorporating the proposed corrections is submitted herewith.

Figure 5 has been amended to include the lock button indicated by number 200, as requested by the Examiner. Figure 13 has also been amended to include a legend indicating prior art, as requested by the Examiner.

FIG. 5



# FIG. 12



# FIG. 13 PRIOR ART

